



March 20, 2009

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## ENGROSSED HOUSE BILL No. 1180

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DIGEST OF HB 1180 (Updated March 17, 2009 1:06 pm - DI 106)

**Citations Affected:** IC 35-43; noncode.

**Synopsis:** Computer merchandise hoarding. Makes it is a Class A misdemeanor to purchase, use, or distribute software designed to bypass an access control system used by the owner of a computer system to limit the amount of merchandise that one person may purchase over a computer network. Establishes a defense if the software is used with the permission of the owner of the computer system or if the software is used for educational or scientific purposes.

**Effective:** July 1, 2009.

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**Blanton, Pierce, Lutz, Koch**

(SENATE SPONSORS — STEELE, LANANE)

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January 12, 2009, read first time and referred to Committee on Commerce, Energy, Technology and Utilities.

February 9, 2009, reported — Do Pass.

February 12, 2009, read second time, ordered engrossed. Engrossed.

February 17, 2009, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 19, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

March 19, 2009, amended, reported favorably — Do Pass.

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EH 1180—LS 6689/DI 14+



March 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1180

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-43-2-3 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) As used in this  
3       section:

4       "Access" means to:

- 5       (1) approach;
- 6       (2) instruct;
- 7       (3) communicate with;
- 8       (4) store data in;
- 9       (5) retrieve data from; or
- 10      (6) make use of resources of;

11      a computer, computer system, or computer network.

12      "Computer network" means the interconnection of communication  
13      lines or wireless telecommunications with a computer or wireless  
14      telecommunication device through:

- 15      (1) remote terminals;
- 16      (2) a complex consisting of two (2) or more interconnected  
17      computers; or

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(3) a worldwide collection of interconnected networks operating as the Internet.

"Computer system" means a set of related computer equipment, software, or hardware.

**"Hoarding program" means a computer program designed to bypass or neutralize a security measure, access control system, or similar system used by the owner of a computer network or computer system to limit the amount of merchandise that one (1) person may purchase by means of a computer network.**

(b) A person who knowingly or intentionally accesses:

(1) a computer system;

(2) a computer network; or

(3) any part of a computer system or computer network;

without the consent of the owner of the computer system or computer network, or the consent of the owner's licensee, commits computer trespass, a Class A misdemeanor.

**(c) A person who knowingly or intentionally uses a hoarding program to purchase merchandise by means of a computer network commits computer merchandise hoarding, a Class A misdemeanor. It is a defense to a prosecution under this subsection that the person used the hoarding program with the permission of the person selling the merchandise.**

**(d) A person who knowingly or intentionally sells, purchases, or distributes a hoarding program commits unlawful distribution of a hoarding program, a Class A misdemeanor. It is a defense to a prosecution under this subsection that the hoarding program was sold, purchased, or distributed for legitimate scientific or educational purposes.**

SECTION 2. [EFFECTIVE JULY 1, 2009] IC 35-43-2-3, as amended by this act, applies only to crimes committed after June 30, 2009.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy, Technology and Utilities, to which was referred House Bill 1180, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MOSES, Chair

Committee Vote: yeas 11, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1180 as printed February 10, 2009.)

STEELE, Chairperson

Committee Vote: Yeas 11, Nays 0.

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